

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

T.C. MARTIN,)	
)	
Plaintiff,)	Case No. 1:08-cv-316-SJM-SPB
)	
v.)	
)	
CONSOLIDATED RAIL)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER OF JUDGMENT

This civil action brought under the Federal employers' Liability Act, 45 U.S.C. §§51 *et seq.*, was commenced on November 14, 2008 and referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 18, 2010 [30], recommends that the Defendants' motion for summary judgment [16] be granted. The parties were given fourteen (14) days from the date of service in which to file their objections, if any, to the Report and Recommendation. Plaintiff's objections [31] were filed on November 23, 2010, and Defendants' response to the objections [33] was filed on December 6, 2010.

After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the Plaintiff's objections, and the Defendants' responses thereto, the following order is entered:

AND NOW, this 7th Day of January, 2011;

IT IS ORDERED that the Defendants' motion for summary judgment [16] be, and hereby is, GRANTED. JUDGMENT is hereby entered in favor of Defendants, Consolidated Rail Corporation and CSX Transportation, Inc., and against Plaintiff, T.C. Martin.

The Report and Recommendation of Magistrate Judge Baxter, filed on November 18, 2010 [30], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All counsel of record.

U.S. Magistrate Judge Susan Paradise Baxter